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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC,  
and Alan Nisselson, the Chapter 7 Trustee for  
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC, and  
ALAN NISSELSO, Chapter 7 Trustee for the  
Estate of Bernard L. Madoff,

Plaintiffs,

v.

STEPHANIE S. MACK, individually, and as Natural  
Guardian of A. V. M. M.; ANDREW H. MADOFF,  
as Executor of the Estate of Mark D. Madoff and as  
Trustee of Daniel G. Madoff Trust U/A 10/1/92, TR

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05328 (SMB)

FBO K. D. M. U/A 03/08/95, and A. V. M. Trust  
U/A 01/10/07; ROBERT W. MIKESELL, as Trustee  
of A. V. M. Trust U/A 01/10/07; ESTATE OF  
MARK D. MADOFF; SUSAN ELKIN, as Natural  
Guardian of K. D. M.; DANIEL G. MADOFF;  
K. D. M.; and A. V. M. M.,

Defendants.

**STIPULATION FOR VOLUNTARY DISMISSAL OF DEFENDANTS  
SUSAN ELKIN, DANIEL G. MADOFF AND K.D.M. WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, and defendants Stephanie S. Mack, individually, and as Natural Guardian of A. V. M. M.; Andrew H. Madoff, as Executor of the Estate of Mark D. Madoff and as Trustee of Daniel G. Madoff Trust U/A 10/1/92, TR FBO K. D. M. U/A 03/08/95, and A. V. M. Trust U/A 01/10/07; Robert W. Mikesell, as Trustee of A. V. M. Trust U/A 01/10/07; Estate of Mark D. Madoff; Susan Elkin, as Natural Guardian of K. D. M.; Daniel G. Madoff; K. D. M.; and A. V. M. M. (together the “Defendants,” and collectively with the Trustee, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to the following:

1. On February 7, 2012, the Trustee filed and served the Amended Complaint against the Defendants in the above-captioned proceeding (the “Adversary Proceeding”). On March 23, 2012, Daniel G. Madoff, Susan Elkin as guardian of K.D.M., K.D.M. and Andrew H. Madoff filed answers to the Amended Complaint.
2. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(A)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with

prejudice of the Trustee's claims in the Adversary Proceeding against Daniel G. Madoff, Susan Elkin as guardian of K.D.M., K.D.M., and Andrew H. Madoff in his capacity as Trustee of Daniel G. Madoff Trust U/A 10/1/92 and TR FBO K. D. M. U/A 03/08/95. Nothing herein shall affect the Trustee's claims in the Adversary Proceeding against any defendant other than Daniel G. Madoff, Susan Elkin as guardian of K.D.M., K.D.M., and Andrew H. Madoff in his capacity as Trustee of Daniel G. Madoff Trust U/A 10/1/92 and TR FBO K. D. M. U/A 03/08/95, and the Trustee hereby preserves all his rights and claims against any defendant other than Daniel G. Madoff, Susan Elkin as guardian of K.D.M., K.D.M., and Andrew H. Madoff in his capacity as Trustee of Daniel G. Madoff Trust U/A 10/1/92 and TR FBO K. D. M. U/A 03/08/95. Upon the dismissal of Daniel G. Madoff, Susan Elkin as guardian of K.D.M., K.D.M., and Andrew H. Madoff in his capacity as Trustee of Daniel G. Madoff Trust U/A 10/1/92 and TR FBO K. D. M. U/A 03/08/95, the caption of the Adversary Proceeding is hereby amended to delete Daniel G. Madoff, Susan Elkin as guardian of K.D.M., K.D.M., and Andrew H. Madoff in his capacity as Trustee of Daniel G. Madoff Trust U/A 10/1/92 and TR FBO K. D. M. U/A 03/08/95 from the caption. The amended caption of the Adversary Proceeding shall appear as indicated in Exhibit A hereto.

3. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

*[Signature Pages Follow]*

Dated: March 26, 2014

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